

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DEJAHNIQUE SHIPP, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TIANNA FIELDS,

Respondent-Appellant.

UNPUBLISHED

September 28, 2006

No. 268180

Calhoun Circuit Court

Family Division

LC No. 03-001865-NA

Before: Borrello, P.J., and Jansen and Cooper, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(c)(i), (g), and (j). We affirm.

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, the trial court must terminate respondent's parental rights unless it determines that to do so is clearly not in the child's best interests. *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). A finding of fact is clearly erroneous if the reviewing court is left with a definite and firm conviction that a mistake was made. *In re Terry*, 240 Mich App 14, 22; 610 NW2d 563 (2000). In applying the clearly erroneous standard, the Court should recognize the special opportunity the trial court has to assess the credibility of the witness. MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The evidence presented to the court clearly showed that the grounds for termination pursuant to MCL 712A.19b(3)(g) and (j) were met by clear and convincing evidence. The minor child was in the hospital following an automobile accident in which she suffered significant injuries. The hospital staff was concerned with respondent's care or lack of care and made a referral to CPS. After a period of time, the minor child was returned to respondent's custody, but within a year the child was again removed because of concerns about respondent's ability to care for the child's special needs.

The minor child required extensive care after the accident, including therapy, leg braces, and medication. There were many medical appointments that the minor child had to attend, and

respondent needed to remain diligent to provide the child with what she needed. However, appointments made for the minor child were not kept, respondent was not complying with the terms of her service agreement, and respondent demonstrated anger and hostility in her interactions with service providers attempting to help both respondent and the minor child. There were also concerns that respondent was exposing the minor child to marijuana by leaving it on a table and smoking it in front of the child.

Respondent did not address her anger issues, the substance abuse issues, and her ability to care for the minor child's special needs as required by the court-ordered service agreement. Respondent did not even maintain contact with the DHS worker or with the child although supervised visitation was allowed. Over two years after the child was initially removed from respondent's care, and years after respondent had been convicted of several assault type crimes, respondent finally obtained the services of a psychiatrist who was working with her to address her issues with medication. However, respondent still did not work on the other terms of the service agreement and even testified at the permanency planning hearing that she did not interact with the DHS worker because her psychiatrist told her to avoid stressful situations.

Respondent had two and a half years to work on the issues involved with the care of the minor child. Although it appeared at the beginning that she was making appropriate efforts, she did not maintain this momentum and stopped making any efforts altogether. At the time of the termination trial, clear and convincing evidence supported termination of her rights to the child under MCL 712A.19b(3)(g) and (j). Although the evidence was not as clear with respect to MCL 712A.19b(3)(c)(i), because some of the conditions existing at adjudication including the minor child's need to be tube fed, no longer existed, any error is harmless because only one statutory ground needs to be established to support termination of parental rights.

Affirmed.

/s/ Stephen L. Borrello
/s/ Kathleen Jansen
/s/ Jessica R. Cooper